

CNR No.HRPK01-005010-2023
Case No.CM/230/2023

CM 230 of 2023 M/s Techknoweld Alloys Overseas & Ors. Versus M/s EGP
Sales Corporation

Present: Shri Sankalp Sharma, counsel for the objector/petitioners.
 Shri Pragun Jasuja, counsel for respondent.

Heard on the application under order 9 Rule 9 of CPC filed
by the objectors/petitioners.

Learned counsel for the objectors/petitioners submitted that on 16.11.2023, the case was fixed for filing reply to the application for condonation of delay and to the objection petition. Reply not filed. However, on the said date of hearing, counsel for objectors/petitioners was out of station and had asked his colleague to attend the case but the colleague could not appear and the objection petition filed by the objectors/petitioners was dismissed for non-prosecution. It was argued that the application was supported by an affidavit of the counsel and was filed on 28.11.2023 itself. The same may be allowed in the interest of justice.

Reply was filed to the present application on behalf of the respondent, denying the averments. Learned counsel for the respondent argued that in the present case, as per MSMED 75% of the award amount was required to be deposited. Counsel for the objectors/petitioners failed to appear and the objection petition was rightly dismissed. Dismissal of the application was prayed for.

I have heard both the parties and gone through the record of
the case.

The objection petition under Section 34 of the Arbitration and Conciliation Act was filed by the objectors/petitioner for setting aside the impugned award. The same was dismissed for non-prosecution on 16.11.2023. However, the present restoration application filed on 28.11.2023, which was supported with an affidavit of counsel. It was pleaded that non-appearance on behalf of objectors/petitioners was due to the fact that counsel was out of station and had requested his colleague to appear but he did not appear. Keeping in view aforesaid facts and circumstances and in the interest of justice, **the present application is hereby allowed, subject to deposit of costs of ₹ 400/- with District Legal Service Authority, Panchkula.** Costs shall be deposited on the next date of hearing.

ARB No.18 of 2023 be restored to its original number.

Now to come up on **26.05.2026** for filing reply to the application for condonation of delay as well as reply to the objection petition.

April 01, 2026.
Kusum

(Sanjay Sandhir),
District Judge, Panchkula.
UID No.HR-0102